

News Release



FOR IMMEDIATE RELEASE

August 14, 2006

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CALIFORNIA STATE PARKS RECLAIMS "MALIBU PIER" TRADEMARK AND DOMAIN NAME

SACRAMENTO – California State Parks will reclaim the "MALIBU PIER" trademark and malibupier.com domain name following a unanimous federal court jury verdict in Los Angeles, Friday August 11. The eight member U.S. District court jury, before Judge Dales S. Fisher, all voted in favor of State Parks on every issue of law in the case, over the unauthorized user, Stephen Harper of Agoura Hills, following the two week trial.

"I'm extremely gratified that we have set a precedent for the entire State Park system in establishing that these famous names belong to the people of California," said Ruth Coleman, director of California State Parks, who testified in the trial. "They're not available to someone who comes along and decides to use them for their own profit."

The defendant in the case, Harper, registered the domain names in 1999 when a massive restoration project was announced for the pier. Malibu Pier was built in 1905 and is a designated California Point of Historical Interest. It is part of Malibu Lagoon State Beach, which sees 1.5 million visitors annually.

After being turned down by the State's concession operator at the pier, for what he called a "marketing alliance", Harper applied unsuccessfully in 2003 to register MALIBU PIER as a federal trademark. Both MALIBU PIER and MALIBU SPORTFISHING PIER have since been registered to State Parks as California State Trademarks.

Staff attorney Laura Reimche managed the case for State Parks. "Malibu Pier is a wonderful symbol of the whole Southern California beach culture," Reimche said. "We have a duty to future generations to protect and preserve it."

The State acquired Malibu Pier in 1980 from private owners. The restoration project, costing more than 6 million, aims to restore the Pier to its glory as an icon in the Golden Age of Hollywood.

Lead trial lawyer Richard Sybert, of the Gordon and Rees firm in Southern California and himself the former Director of the State Office of Planning and Research, argued to the jury that Harper had produced no evidence to support his claim that he had produced or sold "Malibu Pier" shirts and hats or that he had first rights to the mark for clothing.

"I think Mr. Harper saw an opportunity to take advantage," Sybert said. "He doesn't understand that California's history is not for sale." Sybert has practiced trademark and intellectual property law for 28 years, and was specially retained by State Parks for the trial. He was assisted by Craig Mariam of the same firm.

The California State Park system consists of almost 278 State park, beaches and historic sites. Created in 1864, it is the oldest and one of the largest state park systems in the country, hosting about 80 million visitors yearly.

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